

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 1157	DATE	2/26/2001
CASE TITLE	Darryl McGowan #B-09025 vs. Michael F. Sherahan, et al		


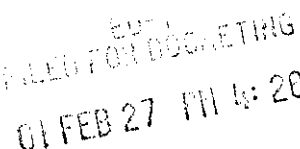

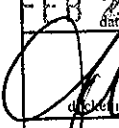
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Unless the completed information regarding his prisoner's trust fund account is provided to this Court in duplicate on or before March 19, 2001, this Court will be constrained to dismiss both the Complaint and this action because of McGowan's continued noncompliance with the applicable statutory requirements (something that would create the third "strike" against McGowan under the provisions of 28 U.S.C. 1915(g)).
- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	  Date/time received in central Clerk's Office	number of notices	Document Number  
No notices required.		FEB 28 2001 date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		 docketing deputy initials	
Notified counsel by telephone.		2/27/2001 date mailed notice	
Docketing to mail notices.		SN	
Mail AO 450 form.		mailing deputy initials	
Copy to judge/magistrate judge.			
SN	courtroom deputy's initials		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DARRYL MCGOWAN #B-09025,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 01 C 1157
	)	
MICHAEL F. SHERAHAN, et al.,	)	
	)	
Defendants.	)	

DOCKETED  
FEB 28 2001

MEMORANDUM OPINION AND ORDER

Darryl McGowan ("McGowan," who is now in the custody of the Illinois Department of Corrections at its Southwestern Correctional Center ("Southwestern")), has tendered this self-prepared 42 U.S.C. §1983 ("Section 1983") Complaint based on asserted violations of his constitutional rights while in custody at the Cook County Department of Corrections ("County Jail"). This action is essentially a repeat of his Complaint in Case No. 00 C 2299, which this Court had dismissed via its September 11, 2000 memorandum order because of McGowan's then noncompliance with the 42 U.S.C. §1997e(a) requirement of the pre-litigation exhaustion of all available administrative remedies--something that the current Complaint asserts McGowan has now taken care of (Complaint ¶III).

But before this Court can address this new Complaint, it is constrained to note that McGowan has not complied with the requirements of 28 U.S.C. §1915 that establish the basis for a prisoner's payment of filing fees in connection with such

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actions. There is no question that McGowan should know better, because he did provide that requisite information in conjunction with his 00 C 2299 lawsuit. Yet in this instance he has sent in a totally blank form of the certificate regarding his prisoner's trust fund account required from Southwestern, as well as failing to provide the printout of transactions in that account during the preceding six months.

Unless that completed information is provided to this Court in duplicate on or before March 19, 2001, this Court will be constrained to dismiss both the Complaint and this action because of McGowan's continued noncompliance with the applicable statutory requirements (something that would create the third "strike" against McGowan under the provisions of 28 U.S.C. §1915(g)). If however the information is tendered in timely fashion, this Court will proceed with such further steps as are appropriate in light of the Complaint and applicable law.



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Milton I. Shadur  
Senior United States District Judge

Date: February 26, 2001